

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALCOLM DUBOSE,

Plaintiff,

-against-

STATE UNIVERSITY OF NEW YORK
COLLEGE OFFICE OF FINANCIAL AID;
ANDREA DAMER; LLENY DE LA CRUZ;
ROBIN MARSHALL; LU-ANNE
PLAISANCE; ROXANNE THOMPSON;
DEFENDANTS KNOWN AND UNKNOWN,

Defendants.

24-CV-5547 (JLR)

ORDER OF SERVICE

JENNIFER L. ROCHON, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendants violated his federally protected rights. By order dated July 29, 2024, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out U.S. Marshals Service Process Receipt and Return forms

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date that any summonses issue.

(“USM-285 forms”) for Defendants. The Clerk of Court is further instructed to issue summonses for Defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.


CONCLUSION

The Clerk of Court is instructed to: (1) issue summonses for Defendants, complete the USM-285 form with the addresses for Defendants, and deliver all documents necessary to effect service on Defendants to the U.S. Marshals Service; and (2) mail an information package to Plaintiff.

Plaintiff may receive court documents by email by completing the attached form, [Consent to Electronic Service](#).²

SO ORDERED.

Dated: [August 21, 2024](#)
New York, New York


JENNIFER L. ROCHON
United States District Judge

² If Plaintiff consents to receive documents by email, Plaintiff will no longer receive court documents by regular mail.

SERVICE ADDRESS FOR EACH DEFENDANT

1. SUNY Maritime College Office of Financial Aid
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
2. Andrea Damer, Director, Financial Aid Office
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
3. Lleny De La Cruz, Financial Aid Office
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
4. Robin Marshall, Senior Financial Aid Counselor
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
Lu-Anne Plaisance, Assistant Vice-President for Human
Resources, Chief Diversity Officer
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
5. Roxanne Thompson, Vice-President for Finance and Administration
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465
6. Lu-Anne Plaisance, Assistant Vice-President for Human Resources and Chief
Diversity Officer
SUNY Maritime
6 Pennyfield Avenue
Throgs Neck, N.Y. 10465

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature